

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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In re	:
	: No. 08 Civ. 10922 (DAB)
J. EZRA MERKIN AND BDO SEIDMAN	:
SECURITIES LITIGATION	:
	:
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CROSCILL INC., et al.,	:
Plaintiffs,	: No. 09 Civ. 6031 (DAB)
-against-	:
GABRIEL CAPITAL, L.P. et al.,	:
Defendants.	:
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MORRIS FUCHS HOLDINGS, LLC	:
Plaintiff,	: No. 09 Civ. 6483 (DAB)
-against-	:
GABRIEL CAPITAL, L.P. et al.,	:
Defendants.	:
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NOTICE OF MOTION

PLEASE TAKE NOTICE that, upon the accompanying Memorandum of Law in Support of Defendants J. Ezra Merkin and Gabriel Capital Corporation's Motion to Dismiss, the Declaration of Gary J. Mennitt and the Exhibits annexed thereto, and all prior pleadings and proceedings, Defendants J. Ezra Merkin and Gabriel Capital Corporation will move this Court, before the Honorable Deborah A. Batts, at the United States Courthouse, 500 Pearl Street, New

York 10007, in accordance with the schedule set forth in the stipulation of June 11, 2010, for an Order pursuant to Rules 12(b)(6) and 9(b) of the Federal Rules of Civil Procedure and the Securities Exchange Act of 1934, as amended by the Private Securities Litigation Reform Act of 1995, dismissing this action with prejudice for failure (1) to state a claim upon which relief can be granted, and (2) to comply with the heightened pleading requirements of the PSLRA and Rule 9(b), and granting such other and further relief as the Court deems appropriate.

Dated: New York, New York
August 2, 2010

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